

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

UNION PACIFIC RAILROAD COMPANY,

Plaintiff,

vs.

COLONY NATIONAL INSURANCE  
COMPANY, DeANGELO BROTHERS INC.  
and AMERICAN HOME ASSURANCE  
COMPANY, d/b/a AIG, INC.,

Defendants.

CASE NO.: 8:13-cv-00084

**SECOND AMENDED CASE  
PROGRESSION ORDER**

This case is before the court on the parties' Joint and Uncontested Motion for Amendment of Case Progression Order (Filing No. 140). The motion will be granted.

**IT IS ORDERED:** The case will progress as follows:

**1. Expert Witnesses.**

- a. No later than **February 1, 2017**, Plaintiff shall designate experts and serve opposing parties with the statement required by Fed. R. Civ. P. 26(a)(2).
- b. No later than **April 1, 2017**, Defendants shall designate expert and serve opposing parties with the statement required by Fed. R. Civ. P. 26(a)(2).
- c. If necessary to refute the disclosed opinions of an expert witness of an opponent, Plaintiff may disclose additional expert witnesses no later than **May 1, 2017**, provided that Plaintiff provides all of the information described in Fed. R. Civ. P. 26(a)(2) at that time.

**2. Fact and Expert Discovery**

- a. No later than **June 1, 2017**, all fact discovery shall be completed, including all depositions.
- b. No later than **July 1, 2017**, all expert discovery shall be completed, including all depositions.

3. **Dispositive Motions:**

- a. **Motions for Summary Judgment.** Motions for summary judgment shall be filed no later than **August 15, 2017**.

4. **Pretrial Disclosures.** Pursuant to Fed. R. Civ. P. 26(a)(3), each party shall serve opposing counsel and file a redacted version as applicable with the following information regarding the evidence it may present at trial, other than solely for impeachment purposes, as soon as practicable, but no later than the dates specified below:

- a. **Non-expert Witnesses** – No later than **October 1, 2017**, the name address and telephone number of each witness, separately identifying those whom the party expects to present and those whom the party may call if the need arises.
- b. **Deposition Testimony and Discovery** – No later than **October 15, 2017**, the designation of discovery testimony and discovery responses intended to be utilized at trial.
- c. **Trial Exhibits** – No later than **October 15, 2017**, a list of all exhibits expected to be offered at trial, including a numbered listing and accessibility for examination of such exhibits, designating on the list those exhibits that may be offered only if the need arises.
- d. **Waiver of Objections.** Any and all objections to the use of the witnesses, deposition testimony, discovery responses, or exhibits disclosed pursuant to the above subparagraphs, including any objection pursuant to Fed. R. Civ. P. 32(a) that a deponent is available to testify at the trial, shall be made a part of the pretrial order. Failure to list objections (except those under Fed. R. Evid. 402 and 403) is a waiver of such objections, unless excused by the court for good cause shown.

5. **Motions in Limine.** Motions to exclude expert testimony on *Daubert* and related grounds will be filed no later than **November 15, 2017**. All other motions in limine shall be filed no later than **November 1, 2017**.

6. **Final Pre-trial Conference** with the assigned magistrate judge is set for **December 18, 2017, at 9:30 A.M.** The final pretrial conference shall be attended by lead counsel for represented parties.

7. **A jury trial** is set for **January 16, 2018**, before the Chief Judge Laurie Smith Camp.

Dated this 28<sup>th</sup> day of December, 2016.

BY THE COURT:

s/F.A. Gossett, III  
United States Magistrate Judge